

## CLASSIFICATION OFFICE DECISION

**Title of publication:** Vestal Masturbation (Cradle of Filth T-Shirt)

**Other known title(s):** Not stated

**OFLC ref:** 2000089.000

**Medium:** Apparel

**Distributor:** Not stated

**Country of origin:** Not stated

**Language:** English, Latin

**Applicant:** Søren Irie

<b>Classification:</b>	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.
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**Descriptive note:** None

**Display conditions:** Any shirt bearing decoration identical to 'Vestal Masturbation (Cradle of Filth T-shirt)' must not be displayed to anyone under 18 years of age and must be sold in retail situations only in a sealed, opaque bag.

**Date of entry in Register:** 25 May 2020

**Date of direction to issue a label:** No direction to issue a label has been issued

**Date of notice of decision:** No notice of decision has been issued

### Summary of reasons for decision:

The publication is a T-shirt displaying a naked masturbating nun on the front, and a highly offensive slogan on the back. In reconsidering the objectionable classification given to this T-shirt in 2008, the Classification Office has taken into account the changes in public perceptions and attitudes to sexual material and highly offensive language over the last 12 years. The Classification Office is also mindful of increased public media literacy, and the prevalence of similarly provocative material freely available in the modern digital environment. The reasoning behind the original decision to ban this T-shirt for being degrading to women and to Christians is still relevant but these aspects have less impact in 2020. The notoriety of the T-shirt makes it the subject of curiosity rather than the 'edgy' item it once was. The Classification Office has evaluated the impact of each aspect of the garment's decoration as well as the combined effect of the elements as a whole. The image on the T-shirt is consistent with many found in sexually explicit publications and on websites. Only those with the requisite knowledge and experience will understand the meaning of the words 'vestal masturbation' and their particular meaning within the context of the image that appears with it. There is nothing about the image and its associated text that would warrant banning the T-shirt. Changing public perceptions of highly offensive language mean that although the T-shirt is still likely to be considered highly offensive by the public in general, the majority of people are unlikely to feel the same degree of moral outrage that was identified as part of the reasoning for the ban in the 2008 decision. Further, the

provisions of the Films, Videos, and Publications Classification Act 1993 (FVPC Act) do not allow for a publication to be banned solely due to its use of highly offensive language. The T-shirt is still likely to cause a high degree of offence, however the FVPC Act does not allow for a publication to be restricted or banned on grounds of offensiveness alone. Therefore the availability of the T-shirt can only be age restricted to avoid injury to the public good. The image is likely to raise concepts that most children are unlikely to have the maturity to process and is something that most parents would not want their children exposed to. There is a common social consensus across many countries that such overtly sexual material should be restricted from children because of the potential for harm to their developing sexual attitudes and behaviours. The highly offensive language is likely to harm the socialisation of children and younger teenagers by presenting it as acceptable in a public forum. Older teenagers are likely to recognise it as a deliberately provocative social comment by a heavy metal band known for using satanic imagery, used for shock value, and are likely to have the maturity to understand that the slogan on the back is socially unacceptable. When deconstructed, the content suggests that a restriction to those aged 16 and over is appropriate, however the effect of the decoration as a whole is problematic. While 16 year-olds are unlikely to be harmed by exposure to the T-shirt, they are also unlikely to have the level of maturity and experience required to understand just how strongly some people might react to it if worn in public. This may put them in harm's way. Therefore, Vestal Masturbation, is classified as objectionable except if its availability is restricted to persons who have attained the age of 18 years. In reaching this decision the Classification Office has sought to strike a balance between the right to freedom of expression expressed in the New Zealand Bill of Rights Act 1990, and protecting the public good from harm. This classification represents the minimum interference with that right. The effect of this classification will limit the use of the T-shirt as it can only be worn at age-restricted events or on age-restricted premises. Further, a display condition is enforced on the public display of the garment, to avoid causing offence. Any shirt bearing decoration identical to 'Vestal Masturbation (Cradle of Filth T-shirt)' must not be displayed to anyone under 18 years of age and must be sold in retail situations only in a sealed, opaque bag.